

January 15, 2013

VIA ELECTRONIC MAIL

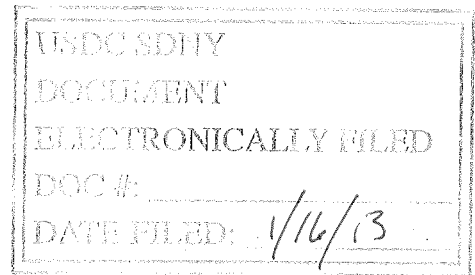
The Honorable Denise L. Cote
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1610
New York, NY 10007-1312

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1/16/13

Re: FHFA Actions, No. 11 Civ. 5201 (S.D.N.Y.) (DLC), et al.

Dear Judge Cote:

We write to address a statement in FHFA's January 10, 2013 letter to the Court. The letter stated that "FHFA will produce all 400 reviews because it is not incrementally burdensome to produce all EORM reviews." See 01/10/2013 Letter from FHFA to Judge Cote at 3. This sentence should have been limited to those reviews of the Originators of loans in these Actions. We note that Defendants have not requested EORM reviews for those entities that did not originate loans in these Actions. See 12/07/12 Letter from Bank of America and Merrill Lynch to the Court at 1 (noting "we will seek the Court's assistance in compelling FHFA to produce certain targeted discovery relating to the GSEs' audits and operational reviews of originators that underwrote the mortgage loans at issue in these cases (the 'Originators')" (emphasis added)). Over the weekend, FHFA determined that approximately 45 such reviews were of Originators that underwrote the mortgage loans at issue in these cases. FHFA will produce those EORM reviews.



Respectfully submitted,

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